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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/062,969 04/21/98 PASTERNAK

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TM02/1121

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EXAMINER

YAO, K

ART UNIT

PAPER NUMBER

2664

DATE MAILED:

AIR MAIL

11/21/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.  
09/062,969

Applicant(s)  
Pasternack et al.

Examiner  
Kwang B. Yao

Group Art Unit  
2664



☒ Responsive to communication(s) filed on Apr 21, 1998

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claim

☒ Claim(s) 1-16 is/are pending in the applicat

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-16 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☒ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 4,5

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

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## DETAILED ACTION

### *Double Patenting*

1. Claim 9 is objected to under 37 CFR 1.75 as being a substantial duplicate of claim 8.

When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MEP.

§ 706.03(k).

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

3. Claims 1-16 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Scott et al. (US 6,101,473).

Regarding claims 1, 7, 11, Scott et al. disclose a system for using speech recognition to access the Internet comprising the following features: in Fig. 1, speech web browser 7 for supporting one or more connections on the Internet; speech web server 8 for supporting one or

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more connections from the server to user 15 depicted in Fig. 5, and for passing information to the user 15; the speech web server 8 for controlling input or output of the information in the server, and for processing the information. See column 4-7.

Regarding claims 2 and 3, Scott et al. disclose that the speech web server 8 is operable to interact with user 15 having computer 16 and telephone 19, and to select which modal forms to use according to the command received from the user 15.

Regarding claim 4, Scott et al. disclose that the speech web server 8 is operable to receive inputs from user 15, and to determine the intention of the user based on the inputs.

Regarding claims 5-6, Scott et al. disclose that speech server 9 is for being arranged to recognize speech as an input, and being arranged to generate audio as an output.

Regarding claim 10, Scott et al. disclose that the speech web server 8 has a link 11 to a telephone network 12.

Claims 12-16 disclose the similar limitations as those recited in claims 1-10. Therefore, claims 12-16 are rejected by the same reasons set forth.

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Giangarra et al. (US 6,101,472) disclose a data processing system.

Levay et al. (US 6,067,516) disclose a speech and text messaging system.

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Rhie et al. (US 5,953,392) disclose a method for telephonically accessing and navigating the Internet.

Uppaluru (US 5,915,001) discloses a system for providing and using universally accessible voice and speech data files.

Wise et al. (US 5,884,262) disclose a computer network audio access and conversation system.

Bateman et al. (US 5,884,032) disclose a system for coordinating communications via customer contact channel changing system.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kwang B. Yao whose telephone number is (703) 308-7583. The examiner can normally be reached on Monday through Friday from 7:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin, can be reached on (703) 305-4366.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

6. Any response to this action should be mailed to:

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Commissioner of Patents and Trademarks

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**or faxed to:**

(703) 305-9051, (for formal communications intended for entry)

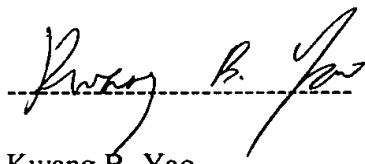
**Or:**

(703) 305-3988 (for informal or draft communications, please label

"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2021 Crystal

Drive, Arlington, VA., Sixth Floor (Receptionist).

A handwritten signature in black ink, appearing to read "Kwang B. Yao", is written over a horizontal dashed line.

Kwang B. Yao

Nov. 17, 2000